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November 3, 2021

VIA ECF & E-MAIL

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
(Failla_NYSDChambers@nysd.uscourts.gov)

MEMO ENDORSED

Re: **Tello v. Nichl Due Inc. d/b/a Polpette 71, et al.**
Civil Case No.: 21-CV-5852 (KPF)

Dear Judge Failla,

We represent Defendants Nichl Due Inc. and Nicholas Mormando (collectively, “Defendants”) in the above-referenced action and submit this letter motion jointly with counsel to Plaintiff. The parties are pleased to report that a settlement has been reached in principle. As a result, and in accordance with Your Honor’s Individual Rules, ¶ 2(D), the parties respectfully request that Your Honor stay all current litigation deadlines.

Respectfully

ELLENOFF GROSSMAN & SCHOLE LLP

/s/
Brian D. Polivy
Ilan Weiser

In light of the parties' above representation that they have reached a settlement in this case, the parties are instructed to file their completed settlement agreement along with a joint letter regarding the fairness of the settlement agreement on or before **December 2, 2021**, for this Court's review in accordance with the FLSA and Second Circuit law. See, e.g., *Cheeks v. Freeport Pancake House*, 796 F. 3d 199 (2d Cir. 2015).

The Clerk of Court is directed to terminate all pending motions and adjourn all remaining dates.

SO ORDERED.

Dated: November 4, 2021
New York, New York
{01036497.DOC.3}

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE